

## **REMARKS/ARGUMENTS**

Claims 1, 4, 6, 8-11, 14-18, 20-33 are pending in this application, with claims 1, 20, 26, and 29 being the only independent claims. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

### **Claim Amendments**

Each of the independent claims 1, 20, 26, and 29 has been amended to recite “a flange clip fixedly coupled to said hollow shield body proximate a rear facing end of said hollow shield body” and “said hollow shield body further comprises a rim and said flange clip comprises a recess engaging said rim for connecting said flange clip to said hollow shield body, said recess being arranged axially between said first and second retainers”. Support for these amendments is found in original claims 2, 3, and 20; Figs. 4-5; and paragraph 0020 which states that the radial rim 52 is received in the annular recess 50. Fig. 5 clearly shows the annular recess 50 between the rear and forward flexing arms 46, 48.

Claims 2, 3, 12, 13 and 21 are canceled without prejudice.

Dependent claims 4, 22, and 23 are amended to be consistent with the above amendments.

### **Rejection of Claims under 35 U.S.C. §§102 and 103**

Claims 1-4, 6, 8-11, 14-18, 20-33 stand rejected under 35 U.S.C. §102 as anticipated by U.S. Patent No. 5,267,976 (Guerineau).

Claims 1-6, 10, 14, 15-18, 20-28 stand rejected under 35 U.S.C. §102 as anticipated by U.S. Patent No. 6,206,853 (Bonnet).

Claims 7-9 stand rejected under 35 U.S.C. §103 as unpatentable over Bonnet in view of U.S. Patent No. 6,186,980 (Brunel).

Claim 11 stands rejected under 35 U.S.C. §103 as unpatentable over Bonnet.

Each of the independent claims has been amended to recite “a flange clip fixedly coupled to said hollow shield body proximate a rear facing end of said hollow shield body” and “said hollow shield body further comprises a rim and said flange clip comprises a recess engaging said rim for connecting said flange clip to said hollow shield body, said recess being arranged axially between said first and second retainers”. Each of the independent claims 1, 20, 26, and 29 further recites “a first retainer fixedly coupled to said hollow shield body to prevent axial movement of said first retainer with respect to said hollow shield body, said first retainer releasably securing said syringe barrel in said first position, and a second retainer spaced axially from said first retainer, wherein said radial flange is positioned between said first and second retainers when said syringe barrel is in said second position”. None of the prior art of record discloses a flange clip with a recess engaging a rim of the shield body, wherein the recess is axially arranged between first and second retainers, as now recited in independent claims 1, 20, 26, and 29.

Guerineau discloses a syringe with a self-retracting needle. In the embodiment shown in Figs. 7-9, a cylindrical sleeve 40 has a groove which receives an edge 41 of the sheath 14 (see col. 5, lines 32-38 of Guerineau). There is no teaching or suggestion in Guerineau for a flange clip with a recess arranged axially between first and second retainers for receiving a rim of a shield body, as recited in independent claims 1, 20, 26, and 29. In contrast, the groove of the sleeve 40 of Guerineau is arranged at one of the axial ends and it not arranged axially between any two parts of the sleeve 40.

Bonnet discloses a self retracting needle syringe with a sleeve part 11 arranged at the end of the sheath 5 (see col. 4, lines 29-30 of Bonnet). The sleeve 11 has flexible lugs 7 and

shoulders 12. The body 1 of the needle includes a circlip 9 on the outer side thereof which is prevented from moving past the flexible lugs 7 and shoulders 12 when the needle is retracted into the sheath 5. The sleeve 11 disclosed by Bonnet also fails to teach or suggest a recess arranged axially between first and second retainers for receiving a rim of the shield body. The sleeve 11 only has lugs 7 and shoulders 12. The rear end of the sheath 5 provides one of the retainers for maintaining the circlip in the sleeve 11 (see the right side of Fig. 3 of Bonnet). Thus, the sleeve contains no recess for receiving a rim of the sheath that is axially between two retainers.

In view of the above amendments and remarks, independent claims 1, 20, 26, and 29 fail to disclose, teach or suggest "said hollow shield body further comprises a rim and said flange clip comprises a recess engaging said rim for connecting said flange clip to said hollow shield body, said recess being arranged axially between said first and second retainers", as expressly recited in each of amended independent claims 1, 20, 26, and 29.

Dependent claims 4, 6, 8-11, 14-18, 21-25, 27-28, and 30-33 are allowable for at least the same reasons as are independent claims 1, 20, 26, and 29, as well as for the additional recitations contained therein.

The application is now deemed to be in condition for allowance and notice to that effect is solicited.

Should the Examiner have any comments, questions, suggestions, or objections, the Examiner is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of any outstanding issues.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,  
COHEN PONTANI LIEBERMAN & PAVANE LLP

By

  
Alfred W. Froeblich

Reg. No. 38,887  
551 Fifth Avenue, Suite 1210  
New York, New York 10176  
(212) 687-2770

Dated: October 19, 2007